

3009.470-2

3009.470-2 Policy.

(a) Except as provided in paragraph (b) of this subsection, 10 U.S.C. 983 prohibits the Department of Homeland Security from providing funds by contract or grant to an institution of higher education if the Secretary of Defense determines that the institution has a policy or practice that prohibits or in effect prevents—

(1) The Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (ROTC) at that institution;

(2) A student at that institution from enrolling in a unit of the Senior ROTC at another institution of higher education;

(3) The Secretary of a military department or the Secretary of Homeland Security from gaining entry to campuses, or access to students on campuses, for purposes of military recruiting; or

(4) Military recruiters from accessing certain information pertaining to students enrolled at that institution.

(b) The prohibition in paragraph (a) of this subsection does not apply to an institution of higher education if the Secretary of Defense determines that—

(1) The institution (and each subelement of that institution) has ceased the policy or practice described in paragraph (a) of this subsection; or

(2) The institution involved has a long-standing policy of pacifism based on historical religious affiliation.

3009.470-3 Procedures.

Whenever the Secretary of Defense determines that an institution of higher education (including any subelement of such institution) is ineligible and the provisions of 10 U.S.C. 983 apply:

(a) The Secretary of Defense will list the institution on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs published by the General Services Administration (also see (FAR) 48 CFR 9.404 and 32 CFR part 216); and

(b) The Department of Homeland Security—

(1) Shall not solicit offers from, award contracts to, or consent to subcontracts with the institution;

48 CFR Ch. 30 (10-1-05 Edition)

(2) Shall make no further payments under existing contracts with the institution; and

(3) Shall terminate existing contracts with the institution.

3009.470-4 Contract clause.

Insert the clause at (HSAR) 48 CFR 3052.3009-71, Reserve Officer Training Corps and Military Recruiting on Campus, in all solicitations and contracts with institutions of higher education.

Subpart 3009.5—Organizational and Consultant Conflicts of Interest

3009.507 Solicitation provisions.

The contracting officer may insert the provision at (HSAR) 48 CFR 3052.209-72, “Disclosure of Conflicts of Interest” in all solicitations for negotiated acquisitions, and when simplified acquisitions procedures in (FAR) 48 CFR Part 13, are not used. The contracting officer shall ensure the conditions enumerated in (FAR) 48 CFR 9.507-2 warrant inclusion.

PART 3010—MARKET RESEARCH [RESERVED]

PART 3011—DESCRIBING AGENCY NEEDS

Subpart 3011.1—Selecting and Developing Requirements Documents

Sec.

3011.103 Market acceptance.

Subpart 3011.2—Using and Maintaining Requirements

3011.204-70 Solicitation provisions and contract clauses.

3011.204-90 Solicitation provisions and contract clause (USCG).

Subpart 3011.5—Liquidated Damages

3011.501 Policy.

Subpart 3011.6—Priorities and Allocations

3011.602 General.

AUTHORITY: 41 U.S.C. 418b (a) and (b).

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise note.

Homeland Security Department

3011.602

Subpart 3011.1—Selecting and Developing Requirements Documents

USCG clause at HSAR 3052.211-90, Bar Coding Requirement, is used with simplified acquisition procedures.

3011.103 Market acceptance.

(a) Contracting officers may act on behalf of the head of the agency in this subpart only. Contracting officers may, under appropriate circumstances, require offerors to make the required demonstrations.

Subpart 3011.2—Using and Maintaining Requirements Documents

Subpart 3011.5—Liquidated Damages

3011.501 Policy.

(d) The HCA may reduce or waive the amount of liquidated damages assessed under a contract, if the Commissioner, Financial Management Service, or designee approves.

Subpart 3011.6—Priorities and Allocations

3011.204-70 Solicitation provisions and contract clauses.

The contracting officer shall insert the clause at (HSAR) 48 CFR 3052.211-70, Index for Specifications, when an index or table of contents may be furnished with the specification.

3011.204-90 Solicitation provision and contract clause (USCG).

(a) For U.S. Coast Guard contracts, the contracting officer shall insert the USCG clause at (HSAR) 48 CFR 3052.211-90, Bar Coding Requirement, (also see (HSAR) 48 CFR 3013.302-70) when the bar coding of supplies is necessary.

(b) See (HSAR) 48 CFR 3013.302-590 for a provision which is required when the

3011.602 General.

(c) The following DHS OEs may assign priority ratings on contracts and orders placed with contractors to acquire products, materials, and services under the Defense Priorities and Allocations System (DPAS) regulations (15 CFR part 700):

(1) The U.S. Coast Guard in support of certified national defense related programs; and

(2) The Federal Emergency Management Agency in support of emergency preparedness activities.

PART 3012—ACQUISITION OF COMMERCIAL ITEMS [RESERVED]